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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WASHINGTON RESEARCH
FOUNDATION, a Washington Corporation,
Plaintiff,

vs.

MATSUSHITA ELECTRIC INDUSTRIAL
COMPANY, LIMITED, a Japanese
Corporation; PANASONIC CORPORATION
OF NORTH AMERICA, a Delaware
Corporation; SAMSUNG ELECTRONICS
COMPANY, LIMITED, a Japanese
Corporation; SAMSUNG ELECTRONICS
AMERICA, INCORPORATED, a New York
Corporation; NOKIA CORPORATION, a
Japanese Corporation; NOKIA
INCORPORATED, a Delaware Corporation,

NO. **C 06-18137SZ**
COMPLAINT



06-CV-01813-CMP

Plaintiff Washington Research Foundation complains against defendants Matsushita
Electric Industrial Company, Limited and Panasonic Corporation of North America
(collectively, "Panasonic"); Samsung Electronics Company, Limited and Samsung Electronics
America, Incorporated (collectively, "Samsung"); Nokia Corporation and Nokia Incorporated
(collectively, "Nokia") as follows:

COMPLAINT - 1

BLANK Law & Technology P.S.
2001 Western Avenue, Suite 250
Seattle, WA 98121
Phone: (206) 256-9699
Fax: (206) 256-9899

SEA 6/11/9 Sum. Issu.

1 1. This action arises under the Patent Laws of the United States, 35 United States
2 Code. This Court has jurisdiction of this action under 28 U.S.C. § 1338(a).

3 2. Washington Research Foundation is a nonprofit, Washington State 501(c)(3)
4 corporation based in Seattle, Washington. Washington Research Foundation was founded in
5 1981 to assist universities and other nonprofit research institutions in the State of Washington
6 with commercialization of their technologies and to provide support, through gifts and grants,
7 for scholarship and research. Washington Research Foundation is an independent private
8 foundation whose operational revenue comes from retained funds from licensing and investing
9 activities. Washington Research Foundation has made gifts and licensing disbursements to the
10 University of Washington totaling more than \$150 million thus providing a substantial return on
11 investment to the taxpayer whose dollars support this institution.

12 3. Washington Research Foundation has benefited Washington State research
13 institutions by licensing a variety of technologies to industry, including the basis for hepatitis B
14 virus vaccine, blood clotting factors, recombinant insulin, and wireless technology supporting
15 the "Bluetooth" protocol. The gifts from the Washington research Foundation have supported
16 the creation of over 100 endowments for chairs, professorships, research fellowships and
17 graduate stipends in science, medicine and engineering all at reduced or no cost to the taxpayer.
18 Educational programs created and supported by the Washington Research Foundation include
19 the Center for Technology Entrepreneurship (University of Washington Business School) and
20 the Program for Technology Commercialization (University of Washington Bioengineering) all
21 of which substantially benefit society and improve the human condition. The Washington
22 Research Foundation was a founding supporter of technology "gap" funding programs at the
23 University of Washington, the Fred Hutchinson Cancer Research Center, and Washington State
24 University.
25

1 4. The University of Washington is the assignee of a portfolio of patents duly and
 2 legally issued to Edwin A. Suominen for the inventions claimed therein, and relating to radio
 3 frequency (RF) receiver technology, including certain RF receiver technology used in that
 4 wireless data communication system known commercially as "Bluetooth® technology."
 5 Relevant issued patents include (collectively, the "Subject Patents):

- 6 • U.S. Patent 5,937,341, titled "Simplified High Frequency Broadband Tuner and
 7 Tuning Method," filed September 13, 1996 and issued August 10, 1999;
- 8 • U.S. Patent 6,427,068, filed May 24, 1999 as a division of the '341 Patent, issued
 9 July 30, 2002;
- 10 • U.S. Patent 6,631,256, filed October 27, 2001 as a continuation of the '068
 11 Patent, issued October 7, 2003; and
- 12 • U.S. Patent 7,116,963, filed August 25, 2003 as a continuation of the '256 Patent,
 13 issued October 3, 2006 (the "Asserted Patent").

14 The University of Washington is also the assignee of a portfolio of patent
 15 applications naming Edwin A. Suominen as inventor relating to radio frequency (RF) receiver
 16 technology, including certain RF receiver technology used in wireless data communication
 17 systems known commercially as "Bluetooth® technology." The relevant pending applications
 18 include (collectively, the "Subject Applications"):

- 19 • SN 11/154,272, filed June 15, 2005 as a continuation of SN10/649,305 (now
 20 issued as the '963 Patent); and
- 21 • SN 11/510,480, filed August 23, 2006, as a continuation of SN10/649,305.

22 Mr. Suominen assigned all right, title and interest in the Subject Patents and
 23 Applications to the University of Washington, including the right to sue for past damages. The
 24 University of Washington, in turn, exclusively licensed the Subject Patents and Applications to
 25 the Washington Research Foundation to include in its patent licensing program and, if
 necessary, to enforce in the name of the Washington Research Foundation all rights available in

1 law and equity under the Subject Patents and Applications including the right to sue and collect
2 for past infringement.

3 5. Defendant Matsushita Electric Industrial Company, Limited is a corporation
4 established under the laws of Japan and based in Osaka, Japan. Defendant Panasonic
5 Corporation of North America is a corporation established under the laws of the State of
6 Delaware and based in the United States, and is a wholly owned subsidiary of Matsushita
7 Electric Industrial Company, Limited. Matsushita Electric Industrial Company, Limited
8 including through its subsidiary Panasonic Corporation of North America, manufactures and
9 sells electronic devices such as personal computers, cell phones and wireless headsets, including
10 selling or offering to sell such devices (including the accused devices) within this judicial
11 district and by conducting other business within this judicial district or elsewhere in the United
12 States that impacts this jurisdiction.

13 6. Defendant Samsung Electronics Company, Limited is a corporation established
14 under the laws of Japan and based in Osaka, Japan. Defendant Samsung Electronics America,
15 Incorporated is a corporation established under the laws of the State of New York and based in
16 the United States, and is a wholly owned subsidiary of Samsung Electronics Company, Limited.
17 Samsung Electronics Company, Limited, including through its subsidiary Samsung Electronics
18 America, Inc., manufactures and sells electronic devices such as wireless headsets, including
19 selling or offering to sell such devices (including the accused devices) within this judicial
20 district and by conducting other business within this judicial district or elsewhere in the United
21 States that impacts this jurisdiction.

22 7. Defendant Nokia Corporation is a corporation established under the laws of
23 Finland and based in Espoo, Finland. Defendant Nokia Incorporated is a corporation established
24 under the laws of the State of Delaware and based in the United States, and is a wholly owned
25 subsidiary of Nokia Corporation. Nokia Corporation, including through its subsidiary Nokia
Inc., manufactures and sells electronic devices such as cell phones and wireless headsets,

1 including selling or offering to sell such devices (including the accused devices) within this
2 judicial district and by conducting other business within this judicial district or elsewhere in the
3 United States that impacts this jurisdiction.

4 8. Defendants have manufactured, used, imported into the United States, sold and
5 offered for sale devices which, or the use of which, infringes at least the '963 Patent. In
6 particular, Defendants' products containing certain Bluetooth® chipsets manufactured by
7 companies other than Washington Research Foundation's licensee, Broadcom Corp., and
8 specifically those manufactured by CSR plc ("CSR"), or the use thereof, infringe claims of at
9 least the '963 Patent, including without limitation claims 3, 7, 10, 17, 18, 59, and 61.

10 9. Defendants' inclusion of chipsets that enable Bluetooth® technology in their
11 products significantly increases the sales price and revenue associated with those "Bluetooth®-
12 enabled" products. For example, communication headsets, cell phones and other devices that
13 are Bluetooth®-enabled carry a significantly higher retail price, and generate more revenue, per
14 item as compared to their counterparts that are not Bluetooth®-enabled. In addition, at least the
15 wireless headset products that are Bluetooth®-enabled and sold by Defendants have no
16 substantial non-infringing use.

17 10. Washington Research Foundation gave written notice to Defendants of the
18 Subject Patents and Applications, and of Defendants' infringement thereof. In particular,
19 Washington Research Foundation's initial notice to Defendants' focused on claims of the '256
20 Patent. Subsequent correspondence with Defendants additionally focused on then-pending
21 claims that ultimately issued in the '963 Patent. In response to Washington Research
22 Foundation's notice letters and infringement assertions sent to other manufacturers of
23 Bluetooth®-enabled products, one major manufacturer of chipsets used to enable Bluetooth®
24 technology, Broadcom Corp., entered into a license agreement with Washington Research
25 Foundation. That license agreement provides all of Broadcom's customers and users of its

1 Bluetooth® chipsets a license to Washington Research Foundation's Subject Patents and
2 Applications.

3 11. The Washington Research Foundation informed each of the Defendants that
4 Broadcom had acquired a license under the Subject Patents and Applications, and that such
5 license extended to Broadcom's customers using Broadcom's Bluetooth® chipsets. Washington
6 Research Foundation therefore does not assert infringement herein with regard to any of
7 Defendants' products that use only Broadcom's licensed chipsets to enable Bluetooth®
8 technology. Thus, as a result of the Broadcom license, each of the Defendants has an option to
9 avoid infringement of the Subject Patents and Applications by purchasing Bluetooth® chipsets
10 from Broadcom, an approved licensee of the Washington Research Foundation.

11 12. Since at least the issuance of at least the Asserted Patent, Defendants have
12 infringed, induced or contributed to the infringement of the Asserted Patent, in violation of 35
13 U.S.C. § 271, with resultant damage to Washington Research Foundation, in an amount to be
14 proven at trial.

15 13. Thus, Defendants, with actual knowledge of the Subject Patents and
16 Applications, and without lawful justification, willfully and deliberately infringed at least the
17 Asserted Patent.

18 **WHEREFORE, WASHINGTON RESEARCH FOUNDATION PRAYS FOR:**

19 (a) Judgment on the Complaint that Defendants, and each of them, have infringed,
20 contributed to the infringement of, or actively induced others to infringe at least U.S. Patent
21 7,116,963;

22 (b) That a permanent injunction be issued enjoining and restraining Defendants, and
23 each of them, and their officers, directors, agents, servants, employees, attorneys, licensees,
24 successors, assigns, and those in active concert and participation with them, and each of them,
25 from making, using, selling, offering for sale, or importing any products which fall within the

1 scope of any or all claims of at least the Asserted Patent, and from inducing or contributing to
2 the infringement of any such claims by others;

3 (c) An award of damages against Defendants, and each of them, adequate to
4 compensate Washington Research Foundation for past infringement of at least the Asserted
5 Patent, together with interest and costs as fixed by the Court, such damages to be trebled
6 because of the willful and deliberate character of the infringement;

7 (d) Judgment that this case is "exceptional" in the sense of 35 U.S.C. § 285, and that
8 Washington Research Foundation is entitled to an award of its reasonable attorneys' fees in the
9 prosecution of this action; and

10 (e) Such other and further relief as the Court may deem just and proper.

11 **DEMAND FOR JURY TRIAL**

12 Plaintiff hereby makes a demand for a trial by jury pursuant to Rule 38 of the Federal
13 Rules of Civil Procedure as to all issues in this lawsuit.

14 RESPECTFULLY SUBMITTED this 20th day of December 2006.

15 **BLANK LAW & TECHNOLOGY P.S.**

16
17 By: 

18 C. Dean Little, WSBA No. 1269
19 Jonathan Yeh, WSBA No. 32734
Local Counsel for Plaintiff

20 *Pro Hac Vice* (Applications Pending):

21 VICTORIA GRUVER CURTIN, P.L.C.

22
23 By: 

24 Victoria Gruver Curtin, Arizona Bar No. 010897
25 14555 North Scottsdale Rd, Ste. 160
Scottsdale, Arizona 85254
Tel.: (480) 998-3547
Fax: (480) 596-7956
Counsel for Plaintiff

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BLANK Law & Technology P.S.
2001 Western Avenue, Suite 250
Seattle, WA 98121
Phone: (206) 256-9699
Fax: (206) 256-9899

1 Steven G. Lisa
2 (Illinois Bar No. 6187348)
3 LAW OFFICES OF STEVEN G. LISA, LTD.
4 55 West Monroe Street, Suite 3200
5 Chicago, IL 60603
6 Tel & Fax: (312) 752-4357
7 Counsel for Plaintiff

6 Gerald D. Hosier
7 (Nevada Bar No. 5023)
8 8904 Canyon Springs Drive
9 Las Vegas, NV 89117
10 Tel.: 702-256-8904
11 Fax: 702-256-8967
12 Counsel for Plaintiff
13
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17
18
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20
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